

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE ROMAN CATHOLIC DIOCESE OF	:	
ROCKVILLE CENTRE, N.Y.,	:	<b><u>ORDER REGULATING</u></b>
	:	<b><u>PROCEEDINGS</u></b>
Plaintiff,	:	
-against-	:	21 Civ. 7706 (AKH)
	:	
ARROWOOD INDEMNITY CO. et al.,	:	
	:	
Defendants.	:	
	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

This is one of several cases filed in the district court seeking to withdraw the bankruptcy reference. *See* ECF No. 1; *see also The Roman Catholic Diocese of Rockville Centre, N.Y. v. Arrowood Indemnity Co.*, No. 20-CV-11011 (assigned to Caproni, J.); *The Roman Catholic Diocese of Rockville Centre, N.Y. v. Certain Underwriters at Lloyds, London & Certain London Market Companies*, No. 21-CV-71 (assigned to Cronan, J.).

On December 29, 2020, Defendants in an action before Judge Caproni filed a Motion to Withdraw the Bankruptcy Reference. No. 20-CV-11011, ECF No. 1. On May 17, 2021, Judge Caproni granted the motion because the bankruptcy court lacked final adjudicatory power under *Stern v. Marshall*, 564 U.S. 462 (2011), and the claims at issue were non-core under *Orion. Id.*, ECF No. 42 (applying the factors from *In re Orion Pictures Corp.*, 4 F.3d 1095 (2d Cir. 1993) and finding they favored withdrawal of the reference).

On January 5, 2021, Defendants in an action before Judge Cronan filed a Motion to Withdraw the Bankruptcy Reference. No. 21-CV-71, ECF No. 1. On September 3, 2021, Judge Cronan granted the motion to withdraw the reference, applying *Stern* and *Orion*, and agreeing with Judge Caproni’s “well-reasoned conclusion.” *See id.*, ECF No. 50.

On September 15, 2021, Defendants filed a motion to me also seeking to withdraw the bankruptcy reference. ECF No. 1. I agree with the reasoning set forth in Judges Caproni and Cronan's orders: "[B]ecause the Diocese's claims . . . do not turn on bankruptcy laws, arose before the bankruptcy petition was filed, are independent of the bankruptcy proceedings, and do not fall under the [*United States*] *Lines* exception, the claims at issue are non-core." *Id.* (quoting *Roman Cath. Diocese of Rockville Ctr., N.Y.*, 2021 WL 1978560, at \*8 (Caproni, J.)). I therefore grant Defendants' Motion to Withdraw the Bankruptcy Reference. United States Magistrate Judge Sarah Netburn shall preside over all pre-trial proceedings. The Clerk shall terminate ECF No. 1.

SO ORDERED.

Dated:           October 18, 2021  
                  New York, New York

\_\_\_\_\_/s/ Alvin K. Hellerstein\_\_\_\_\_  
ALVIN K. HELLERSTEIN  
United States District Judge